

Lauren Hausman

From: Jonathan Alejandrino
Sent: Wednesday, May 7, 2025 7:19 PM
To: Hansen.Connor@dorsey.com; Lauren Hausman
Cc: Tia Kelly; keyes.mike@dorsey.com; Harlow.Dylan@dorsey.com; duran.nancy@dorsey.com
Subject: RE: [REDACTED] Waterman v. Tiktok - [REDACTED] Discussion
Attachments: Waterman v. TikTok - Notice of Taking 30(b)(6) Deposition.pdf

Good afternoon Connor,

I am following up on Lauren's request for dates between May 12-May 16 that your client is available for a deposition and am attaching our 30(b)(6) notice. Please let me know what date works best as soon as possible, thank you.

Regards,



Jonathan Alejandrino, Esq.
Attorney

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8 Attorney for Plaintiff

9 ELIZABETH WATERMAN

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 ELIZABETH WATERMAN,

13 Plaintiff,

14 v.

15 TIKTOK INC.,

16 Defendant.

Civil Action No. 2:24-cv-04802-SRM-
AJR

17 **NOTICE OF TAKING 30(b)(6)**
18 **DEPOSITION OF THE**
19 **CORPORATE REPRESENTATIVE**
20 **OF TIKTOK INC.**

21 **PLEASE TAKE NOTICE** that, pursuant to Federal Rule of Civil Procedure
22 30(b)(6), plaintiff Elizabeth Waterman (“Plaintiff”) will take the deposition of the
23 corporate representative(s) of defendant TikTok, Inc. (“Defendant”) which shall
24 designate one or more officers, directors, managing agents, or other persons who
will testify on its behalf and be examined regarding the matters set forth on **Exhibit**

“A” attached hereto, at the place, date and time indicated below. The deposition will take place upon oral examination(s), before a Notary Public, or some other officer duly authorized by law to take depositions. The deposition(s) will continue from day to day until completed.

DEPONENT	DATE AND TIME	LOCATION
Corporate Representative of TikTok, Inc.	To be determined	Via Zoom (link to be provided)

Dated: May 7, 2025.

COPYCAT LEGAL PLLC

By: /s/ Jonathan Alejandrino
Jonathan Alejandrino, Esq. (*pro hac vice*)
Lauren M. Hausman, Esq.
Attorneys for Plaintiff
Elizabeth Waterman

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2025, I served the foregoing document via e-mail to: Connor Hansen, Esq. (Hansen.Connor@dorsey.com), Michael Keyes, Esq. (keyes.mike@dorsey.com), and Dylan Harlow, Esq. (Harlow.Dylan@dorsey.com).

/s/ Jonathan Alejandrino
Jonathan Alejandrino, Esq.

EXHIBIT “A”

DEFINITIONS

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3 1. “Communication” means any oral or written utterance, notation or
4 statement of any nature whatsoever, by and to whomsoever made, including
5 correspondence, conversations, dialogues, discussions, e-mails, interviews,
6 meetings, consultants, agreements, and other understandings between or among
7 two or more people.
8

9 2. “Complaint” means the governing Complaint in the above-captioned
10 action.
11

12 3. “Concerning” or “Regarding” means relating to, referring to,
13 describing, evidencing, mentioning, affecting, showing, reflecting, touching on,
14 bearing on or constituting.

15 4. “Document” is used in the broadest sense permitted under the Federal
16 Rules of Civil Procedure and includes, but is not limited to, all originals, non-
17 identical copies and copies with marginal notations or interlineations of any
18 writing, e-mail, text message, computer data, sworn statement, deposition
19 transcript, affidavit, recording, photograph, or other item containing information
20 of any kind or nature, however produced or reproduced, whatever its origin or
21 location, and regardless of the form maintained. The term “Document” also
22 includes all Communications and all Electronically Stored Information.
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1 5. “All Documents” means every document or group of documents or
2 communication as above defined that are known to you or that can be located or
3 discovered by reasonably diligent efforts.

4 6. “Electronically Stored Information” refers to all computer or
5 electronically stored or generated data and information, and shall include all
6 attachments to and enclosures with any requested item, and all drafts thereof.
7 Electronically Stored Information includes (but is not limited to): e-mails; text
8 messages; messages sent via messaging services/applications (such as WeChat,
9 WhatsApp, Messenger, Facebook Messenger, etc.); word-processing documents;
10 electronic spreadsheets; electronic presentation documents; image files; sound
11 files; and material or information stored in a database, or accessible from a
12 database. Electronically Stored Information also includes all associated metadata
13 that is maintained or saved, which includes: document title or name; file name;
14 date and time of creation; date and time of last edit; identity of author; identity of
15 owner; identities of editors; identities of recipients; changes; history of changes; e-
16 mail header information; history of who viewed an e-mail and when; and e-mail
17 routing information.
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21 7. “Identify” means, when referring to a Person, to give, to the extent
22 known, the Person’s full name, job title, present or last known address and when
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1 referring to a natural Person, additionally, the present or last known place of
2 employment.

3 8. “Identify” means, when referring to any other information, to give a
4 full, complete, forthright and correct account of whatever is the subject of the
5 inquiry.
6

7 9. “Including” shall mean including but not by way of limitation.

8 10. “Lawsuit” means the above-captioned case, currently pending in
9 United States District Court for the Central District of California.

10 11. “Person” means any natural person, individual, proprietorship,
11 partnership, corporation, association, organization, joint venture, firm, or other
12 business enterprise, governmental body, group of natural persons or other entity.

13 12. “Defendant” refers to defendant TikTok, Inc. and includes any agents,
14 servants and other persons acting or purporting to act on Defendant’s behalf.
15

16 13. “DMCA Takedown Notice(s)” refer to any DMCA Takedown Notice
17 (and any attachments thereto) sent to Defendant on behalf of Plaintiff.
18

19 14. “Facebook Page” refers to Defendants’ Facebook page located at
20 https://www.facebook.com/tiktok/?brand_redir=758806760970544.

21 15. “Instagram” refers to Defendant’s Instagram account/page located at
22 <https://www.instagram.com/tiktok/>.
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1 16. “Plaintiff” refers to plaintiff Elizabeth Waterman and includes any
2 agents, servants and other persons acting or purporting to act on Plaintiff’s behalf.

3 17. “Platform” refers to any website (including any sub-pages thereof),
4 or application owned and/or controlled by Defendant, including but not limited to
5 the website located at <https://www.tiktok.com/> or the application able to be
6 downloaded.
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8 18. “Work” refers to the photographs included in the definition of “Work”
9 in the Complaint.

10 19. All capitalized terms not otherwise defined herein shall have the same
11 meaning ascribed to them in the Complaint.
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13 20. All words in the present tense include the past, and all words in the
14 past tense include the present tense.

15 21. As used herein, the singular shall include the plural, the plural shall
16 include the singular, and masculine, feminine, and neuter shall include each of the
17 other genders.
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19 **DEPOSITION TOPICS**

20 1. The factual circumstances by which the Work (or the compilation containing
21 the Work) came to be published on the Platform.
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1 2. The relationship (if any) between Defendant and the person purportedly
2 responsible for uploading to and/or causing the Work to be displayed on the
3 Platform.

4 3. The terms of any agreement between Defendant and the person purportedly
5 responsible for uploading to and/or causing each photograph comprising the Work
6 to be displayed on the Website.

7 4. The number of visits and/or clicks registered on the end-user's profile.

8 5. Defendant's policies and procedures with respect to DMCA takedown
9 notices.

10 6. The factual circumstances of Defendant's receipt of DMCA takedown
11 notices and subsequent actions taken.

12 7. The role of any of Defendant's employees in reviewing DMCA takedown
13 notices and any subsequent

14 8. Defendant's responses (or lack thereof) to the DMCA Takedown Notice(s)
15 it received from Plaintiff.

16 9. The steps taken by Defendant upon receipt of the DMCA Takedown
17 Notice(s) to investigate such.

18 10. Defendant's communications with the end-user(s) who posted the
19 photographs comprising the Work to the Platform.

1 11. Defendant's increased traffic associated with any of the photographs
2 comprising the Work and their utilization by Defendant, including but not limited
3 to online sales and/or in-platform sales.

4 12. Defendant's method and means by which it generates revenue and/or profits.

5 13. The factual basis for Defendant's contention, set forth in its First Affirmative
6 Defense, that "its causes of action fail to state a claim upon which relief can be
7 granted pursuant to Federal Rule of Civil Procedure 12(b)(6)."

8 14. The factual basis for Defendant's contention, set forth in its Second
9 Affirmative Defense, that "Plaintiff's claim are barred, in whole or in part, because
10 Plaintiff has not demonstrated that she owns registered copyrights covering the
11 Work or that the copyrights are valid."

12 15. The factual basis for Defendant's contention, set forth in its Third
13 Affirmative Defense, that "Plaintiff's claims are barred, in whole or in part,
14 because the Work are not protectable under copyright law."

15 16. The factual basis for Defendant's contention, set forth in its Fourth
16 Affirmative Defense, that "Plaintiff's claims are barred, in whole or in part,
17 because the Work are not sufficiently original."

18 17. The factual basis for Defendant's contention, set forth in its Fifth
19 Affirmative Defense, that "Plaintiff's claims are barred, in whole or in part,
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1 because any alleged infringement by Defendant or Defendant's users constitutes
2 fair use under 17 U.S.C. § 107."

3 18. The factual basis for Defendant's contention, set forth in its Sixth
4 Affirmative Defense, that "Plaintiff's claims are barred, in whole or in part,
5 because Defendant is protected by one or more of the safe harbor provisions of the
6 DMCA under 17 U.S.C. § 512."

7 19. The factual basis for Defendant's contention, set forth in its Seventh
8 Affirmative Defense, that "Plaintiff's claims are barred, in whole or in part,
9 because one or more third parties are liable for the conduct alleged in the First
10 Amended Complaint."

11 20. The factual basis for Defendant's contention, set forth in its Eighth
12 Affirmative Defense, that "Plaintiff's claims are barred, in whole or in part,
13 because any damage that Plaintiff allegedly sustained was not legally or
14 proximately caused by Defendant."

15 21. The factual basis for Defendant's contention, set forth in its Ninth
16 Affirmative Defense, that "Plaintiff's claims are barred, in whole or in part,
17 because Plaintiff has not suffered any damages that are caused by, or attributable
18 to, the alleged infringement."

19 22. The factual basis for Defendant's contention, set forth in its Tenth
20 Affirmative Defense, that "Plaintiff's claims are barred, in whole or in part,
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1 because Defendant did not materially contribute to or induce the alleged copyright
2 infringement.”

3 23. The factual basis for Defendant’s contention, set forth in its Eleventh
4 Affirmative Defense, that “Plaintiff’s claims are barred, in whole or in part,
5 because Defendant did not and does not have a direct financial interest in or to the
6 alleged copyright infringement.”

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8 24. The factual basis for Defendant’s contention, set forth in its Twelfth
9 Affirmative Defense, that “Plaintiff’s claims are barred, in whole or in part,
10 because any infringement or violation occurred with innocent intent.”

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12 25. The factual basis for Defendant’s contention, set forth in its Thirteenth
13 Affirmative Defense, that “Plaintiff’s claims are barred, in whole or in part, to the
14 extent any third-party use of the subject photographs was pursuant to a valid
15 license, whether an implied or express license.”

16
17 26. The factual basis for Defendant’s contention, set forth in its Fourteenth
18 Affirmative Defense, that “Plaintiff’s claims are barred, in whole or in part, as
19 moot to the extent a settlement has been reached with the third parties alleged to
20 infringe the Work.”

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22 27. The factual basis for Defendant’s contention, set forth in its Fifteenth
23 Affirmative Defense, that “Plaintiff’s claims are barred, in whole or in part, to the
24 extent Plaintiff has already recovered damages or other relief from the third parties

1 whose alleged conduct forms the basis of Plaintiff's allegations against
2 Defendant."

3 28. The factual basis for Defendant's contention, set forth in its Sixteenth
4 Affirmative Defense, that "To the extent Plaintiff seeks injunctive relief, such relief
5 is barred because the injury, harm, or damage allegedly suffered by Plaintiff is
6 adequately compensated in an action for monetary damages."

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8 29. The factual basis for Defendant's contention, set forth in its Seventeenth
9 Affirmative Defense, that "Plaintiff's claims are barred, in whole or in part, by
10 equitable defenses of estoppel, waiver, and/or laches."
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